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EXAMINER
EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/727,991	LIU, CHUNG
	Examiner	Art Unit	
	HUSSEIN A. EL CHANTI	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 August 2009_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _28-41_ is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _28-41_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to RCE received August 28, 2009. Claims 28-41 are

pending examination..

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 28-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Cox et

al., U.S. Patent No. 6,842,861 (referred to hereafter as Cox).

As to claim 28, Cox teaches a method of updating a plurality of applications on

an electronic device "handheld computer" from a content server "server" through a host

device "client computer", comprising the steps of:

providing a plurality of conduits resident on said host device, where each conduit

is for servicing a specific application;

at a time when said electronic device is not coupled to said host device, actuating

said conduits for comparing versions of applications stored by said host device with

current versions of corresponding applications on said plurality content servers to

determine newer versions of such applications residing on said plurality of content

servers (see col. 11 lines 46-col. 12 lines 44), ,

passing user identification information regarding the electronic device to the

content server (see col. 11 lines 46-col. 12 lines 44);

conduits communicating user identification information regarding the electronic

device to the content server (see col. 11 lines 46-col. 12 lines 44);

storing said newer versions from said content server on said host device (see

col. 11 lines 46-col. 12 lines 44); and

at a time when said electronic device is actuated for synchronization, actuating

said conduits to extract and install said newer versions from said host device on said

electronic device (see col. 11 lines 46-col. 12 lines 44);

wherein the newer versions of the applications are personalized for the electronic

device based on the user identification information (see col. 11 lines 46-col. 12 lines

44).

As to claim 29, Cox teaches a method according to claim 28 wherein said

electronic device comprises a device with a screen (see col. 2 lines 56-67).

As to claim 30, Cox teaches a method according to claim 28 wherein said

electronic device comprises a personal digital assistant (see col. 2 lines 56-67).

As to claim 31, Cox teaches a method according to claim 28 wherein said

electronic device comprises a palm top computer (see col. 2 lines 56-67).

As to claim 32, Cox teaches a method of claim 28 includes docking said

electronic device in a cradle coupled to said host device (see col. 3 lines 40-46).

As to claim 33, Cox teaches a method according to claim 28 wherein said

content server comprises at least one of the following:

a remote server computer system; a remote computer system; or a computer

directly connected to said host device (see col. 11 lines 46-col. 12 lines 44);.

As to claim 34, Cox teaches a system for providing updated applications with

reference to a content server "server", using a host device and comprising:

providing a plurality of conduits resident on said host device, where each conduit

is for servicing a specific application;

at a time when said electronic device is not coupled to said host device, actuating

said conduits for comparing versions of applications stored by said host device with

current versions of corresponding applications on said plurality content servers to

determine newer versions of such applications residing on said plurality of content

servers (see col. 11 lines 46-col. 12 lines 44),

passing user identification information regarding the electronic device to the

content server (see col. 11 lines 46-col. 12 lines 44);

conduits communicating user identification information regarding the electronic

device to the content server (see col. 11 lines 46-col. 12 lines 44);

storing said newer versions from said content server on said host device (see

col. 11 lines 46-col. 12 lines 44); and

at a time when said electronic device is actuated for synchronization, actuating

said conduits to extract and install said newer versions from said host device on said

electronic device (see col. 11 lines 46-col. 12 lines 44);

wherein the newer versions of the applications are personalized for the electronic

device based on the user identification information (see col. 11 lines 46-col. 12 lines

44).

As to claim 35, Cox teaches a system according to claim 34 wherein said

electronic device comprises a device with a display screen (see col. 2 lines 56-67).

As to claim 36, Cox teaches a system according to claim 34 wherein said

electronic device comprises a personal digital assistant (see col. 2 lines 56-67).

As to claim 37, Cox teaches a system according to claim 34 wherein said

electronic device comprises a palm top computer system (see col. 2 lines 56-67).

As to claim 38, Cox teaches a system of claim 34 includes docking said

electronic device in a cradle coupled to said host device (see col. 3 lines 40-46).

As to claim 39, Cox teaches a system according to claim 34 wherein said content

server comprises at least one of the following:

a remote server computer system; a remote computer system; or a computer

directly connected to said host device (see col. 11 lines 46-col. 12 lines 44).

As to claim 40, Cox teaches the method of claim 28 wherein the content server

dynamically generates an updated application that is personalized (see col. 11 lines 46-

col. 12 lines 44).

As to claim 41, Cox teaches the system of claim 34 wherein the content server

dynamically generates an updated application that is personalized (see col. 11 lines 46-

col. 12 lines 44).

3.   Claims 28-41 are rejected under 35 U.S.C. 102(e) as being anticipated by

Creemer et al., U.S. Patent No. 6,963,883 (referred to hereafter as Creemer).

As to claim 28, Creemer teaches a method of updating a plurality of applications

on an electronic device "handheld computer" from a content server "server" through a

host device "client computer", comprising the steps of:

providing a plurality of conduits resident on said host device, where each conduit

is for servicing a specific application;

at a time when said electronic device is not coupled to said host device, actuating

said conduits for comparing versions of applications stored by said host device with

current versions of corresponding applications on said plurality content servers to

determine newer versions of such applications residing on said plurality of content

servers (see col. 8 lines 60-col. 10 lines 41),

passing user identification information regarding the electronic device to the

content server (see col. 8 lines 60-col. 10 lines 41);

conduits communicating user identification information regarding the electronic

device to the content server (see col. 8 lines 60-col. 10 lines 41);

storing said newer versions from said content server on said host device (see

col. 8 lines 60-col. 10 lines 41); and

at a time when said electronic device is actuated for synchronization, actuating

said conduits to extract and install said newer versions from said host device on said

electronic device (see col. 8 lines 60-col. 10 lines 41);

wherein the newer versions of the applications are personalized for the electronic

device based on the user identification information (see col. 8 lines 60-col. 10 lines 41).

As to claim 29, Creemer teaches a method according to claim 28 wherein said

electronic device comprises a device with a screen (see col. 8 lines 60-col. 10 lines 41).

As to claim 30, Creemer teaches a method according to claim 28 wherein said

electronic device comprises a personal digital assistant (see col. 8 lines 60-col. 10 lines

41).

As to claim 31, Creemer teaches a method according to claim 28 wherein said

electronic device comprises a palm top computer (see col. 8 lines 60-col. 10 lines 41).

As to claim 32, Creemer teaches a method of claim 28 includes docking said

electronic device in a cradle coupled to said host device (see col. 8 lines 60-col. 10 lines 41).

As to claim 33, Creemer teaches a method according to claim 28 wherein said

content server comprises at least one of the following:

a remote server computer system; a remote computer system; or a computer

directly connected to said host device (see col. 8 lines 60-col. 10 lines 41).

As to claim 34, Creemer teaches a system for providing updated applications

with reference to a content server "server", using a host device and comprising:

providing a plurality of conduits resident on said host device, where each conduit

is for servicing a specific application;

at a time when said electronic device is not coupled to said host device, actuating

said conduits for comparing versions of applications stored by said host device with

current versions of corresponding applications on said plurality content servers to

determine newer versions of such applications residing on said plurality of content

servers (see col. 8 lines 60-col. 10 lines 41),

passing user identification information regarding the electronic device to the

content server (see col. 8 lines 60-col. 10 lines 41);

conduits communicating user identification information regarding the electronic

device to the content server (see col. 8 lines 60-col. 10 lines 41);

storing said newer versions from said content server on said host device (see

col. 8 lines 60-col. 10 lines 41); and

at a time when said electronic device is actuated for synchronization, actuating

said conduits to extract and install said newer versions from said host device on said

electronic device (see col. 8 lines 60-col. 10 lines 41);

wherein the newer versions of the applications are personalized for the electronic

device based on the user identification information (see col. 8 lines 60-col. 10 lines 41).

As to claim 35, Creemer teaches a system according to claim 34 wherein said

electronic device comprises a device with a display screen (see col. 8 lines 60-col. 10

lines 41).

As to claim 36, Creemer teaches a system according to claim 34 wherein said

electronic device comprises a personal digital assistant (see col. 8 lines 60-col. 10 lines

41).

As to claim 37, Creemer teaches a system according to claim 34 wherein said

electronic device comprises a palm top computer system (see col. 8 lines 60-col. 10

lines 41).

As to claim 38, Creemer teaches a system of claim 34 includes docking said

electronic device in a cradle coupled to said host device (see col. 8 lines 60-col. 10 lines 41).

As to claim 39, Creemer teaches a system according to claim 34 wherein said

content server comprises at least one of the following:

a remote server computer system; a remote computer system; or a computer

directly connected to said host device (see col. 8 lines 60-col. 10 lines 41).

As to claim 40, Creemer teaches the method of claim 28 wherein the content

server dynamically generates an updated application that is personalized (see col. 8

lines 60-col. 10 lines 41).

As to claim 41, Creemer teaches the system of claim 34 wherein the content

server dynamically generates an updated application that is personalized (see col. 8

lines 60-col. 10 lines 41).

4. Applicant's arguments have been fully considered but are persuasive. Applicant

argues in substance that Cox does not teach user identification information regarding

electronic device to the content server. In response, Cox teaches the method includes a

conduit which collects software information including a list of software installed on the

handheld device, the version of each software (see col. 11 lines 46-67). Since there is

no restriction on the content or type of identification of the claimed "user identification

information", then the information identifying the applications and the version of each of

the applications installed on the handheld device are interpreted to be the " user

identification information regarding the electronic device".

5.   This is an RCE of applicant's earlier Application No. 09/727,991. All claims are

drawn to the same invention claimed in the earlier application and could have been

finally rejected on the grounds and art of record in the next Office action if they had

been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

even though it is a first action in this case. See MPEP § 706.07(b). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is

(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hussein El-chant/

Nov. 5, 2009